

TITLE 19. ZONING
ARTICLE 4. GENERAL DEVELOPMENT STANDARDS

Chapter 19.56. SOLAR ACCESS

19.56.010. Permitted use.

The use of solar energy systems and active and passive solar collectors for the purpose of providing energy to the structure upon which they are placed, whether as a part of such a structure or incidental thereto, is a use which may be established without the necessity for any discretionary land use approval, within all zoning districts, notwithstanding any provision of this title to the contrary.

19.56.020. Solar envelope—Impairment of solar access by structures.

(a) No building permit shall be issued for any construction, the effect of which when completed would be to interfere with solar access to the rooftop of any structure or to any preexisting active solar collector on nearby property. Solar access means the absence of shadows blocking or reducing exposure to the sun to an extent greater than ten percent daily during the hours between nine a.m. to three p.m., Pacific Standard Time, throughout any solar cycle. Nothing contained herein shall require modification to any structure, the shade pattern of which would impair solar access to rooftops or active solar collectors established later in time.

(b) The provisions of this chapter shall not apply to structures or uses within the DSP zoning district.

19.56.030. Impairment of solar access by vegetation—Public nuisance.

(a) No person or entity owning or in control of real property shall allow any tree or shrub thereon to interfere with solar access to any rooftop or to any active solar collector located on a nearby or adjacent property. Vegetation interfering with solar access to any rooftop or active solar collector, including vegetation shading the area of nearby properties where rooftops or active solar collectors subsequently are placed, shall be trimmed or removed to the extent necessary to provide solar access thereto.

(b) The provisions of this section shall not apply so as to require ~~trimming or the~~ removal of vegetation determined by such procedure as the city council may specify, to have cultural, horticultural or ~~historical~~ heritage significance. Additionally, the provisions of this section shall not require the removal of any significant sized tree or tree required to be preserved as a condition of approval of a land use permit. Reasonable trimming of any vegetation otherwise exempted by this section may be allowed if not harm occurs to the vegetation and the trimming does not endanger its cultural, horticultural or heritage significance.

(e) Violations of this section comprise a public nuisance, and whenever any enforcement officer of the city of Sunnyvale determines that any such condition exists upon any premises, he or she may require or provide for the abatement thereof pursuant to the procedures set forth in Chapter 9.26 of this code, and may make the costs of abatement of the nuisance a lien upon the property.

19.56.040. Solar envelope—Conditions of tentative map.

Each tentative subdivision map approved pursuant to the procedures set forth in Title 18 of this code shall be conditioned so as to prohibit new construction of structures that would

interfere with passive or active natural heating or cooling opportunities available to structures capable of being built on adjoining parcels, in accordance with all site development and zoning regulations in effect at the time of such approval. No such conditions shall be imposed, however, which would result in reducing allowable residential unit densities or the percentage of lot area which may be occupied by a building or structure under those applicable land use regulations in effect at the time such a tentative subdivision map is filed. Positive conditions, covenants and restrictions shall be provided as a part of each tentative map. Adverse conditions, covenants and restrictions shall not be included therein, and, to the extent that they may be contained in subdivision documents approved prior to the effective date of this chapter, they are hereby declared to be contrary to the public welfare and to the public policies set forth herein.

19.56.050. Placement of active solar collectors.

Prior to issuance of any building permit for construction or placement of an active solar collector, the director of community development shall require the applicant to provide a written analysis or graphic survey of shading patterns on the subject parcel. The director is authorized to disapprove any proposed location for such a collector which would be within the existing shade pattern of vegetation growing on adjoining properties. If there is no feasible location for the collector outside of existing shade patterns, the director shall specify a location which minimizes the adverse effects upon such adjoining vegetation.

19.56.060. Variances.

(a) Variances may be granted from restrictions imposed by this title on the height, setback and location of structures, in the public interest, upon a showing by the applicant, made pursuant to the procedures set forth in Chapter 19.84:

(1) That the proposed construction or alteration is necessary for the purpose of placing or constructing an active or passive solar collector as defined herein;

(2) That the proposed design complies in all material respects with the provisions of Title 16 of this Code;

(3) That the proposed construction or alteration has been designed, located, and screened in a manner calculated to minimize adverse visual, audible, and other effects on surrounding properties; and

(4) That the granting of such a variance will not be materially detrimental to the public welfare.

(b) Applications for variances from the regulations imposed by this chapter shall be considered in accordance with the standards and procedures set forth in Chapter 19.84.